

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOSEPH SCOTT CAPLES, # 295489,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 2:17cv154-WHA
)	
WALTER MYERS, <i>et al.</i> ,)	
)	
Respondents.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

I. INTRODUCTION

This case is before the court on a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254 filed on March 17, 2017, by Joseph Scott Caples (“Caples”), a state inmate incarcerated at Easterling Correctional Facility in Clio, Alabama. Doc. 1. Caples challenges his conviction for attempted murder and the resulting 25-year sentence imposed by the Mobile County Circuit Court in March 2014.

II. DISCUSSION

Title 28, United States Code, Section 2241(d) allows Caples to bring his § 2254 petition in either (a) the district court for the district wherein he is in custody (here, the Middle District of Alabama, where Easterling Correctional Facility is located), or (b) the district court for the district within which the state court that convicted and sentenced him was held (the Southern District of Alabama, where Mobile County is located). Section 2241(d) provides that this court “in the exercise of its discretion and in furtherance of justice,” may transfer a petitioner’s § 2254 petition to “the district court for the district within which the State court was held which convicted and sentenced [the petitioner].” 28 U.S.C. § 2241(d).

Because this matter stems from a conviction and sentence imposed by the Mobile County Circuit Court, and since the records related to these matters are located in Mobile County, this court finds that the furtherance of justice and judicial economy will be best served by transferring this case to the United States District Court for Southern District of Alabama for review and disposition.

III. CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be TRANSFERRED to the United States District Court for the Southern District of Alabama under the provisions of 28 U.S.C. § 2241(d).

It is further ORDERED that the parties shall file any objections to this Recommendation on or before **April 4, 2017**. A party must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) shall bar a party from a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-1; *Stein v. Lanning Secs., Inc.*, 667 F.2d 33 (11th Cir. 1982).

DONE this 21st day of March, 2017.

/s/ Gray M. Borden
UNITED STATES MAGISTRATE JUDGE